

FOURTH CIRCUIT BRIEF & APPENDIX REQUIREMENTS

For Briefing Orders Issued on or after July 2, 2012

BRIEF CONTENTS – See Federal & Local Rules 28, 28.1, 29 for complete information.

Required Contents	Brief Type
Brief Cover	All briefs. Brief Cover-District Court Appeal , Brief Cover-Agency Appeal
Corporate Disclosure Statement	If disclosure statement required by Loc. R. 26.1, copy must be included in initial brief of party or amicus.
Table of Contents	All briefs
Table of Authorities	All briefs
Statement of Identity, Interest & Authority to File	Amicus briefs
Jurisdictional Statement (subject matter & appellate jurisdiction)	Opening briefs and opening/response briefs
Statement of Issues	Opening briefs and opening/response briefs
Statement of Case (nature of case, course of proceedings, disposition)	Opening briefs. Not required in appellee's response or opening/response brief if appellee is satisfied with appellant's statement of case.
Statement of Facts (necessary facts with appendix references)	Opening briefs. Not required in appellee's response or opening/response brief if appellee is satisfied with appellant's statement of facts.
Summary of Argument (succinct statement of arguments)	All except reply and amicus briefs
Argument (discussion of issues, with standard of review stated either in a separate heading before the discussion of issues or placed in the discussion)	Argument section is required in all briefs. Statement of standard of review is required only in opening and opening/response briefs unless the responding party is dissatisfied with the stated standard.
Conclusion (relief sought)	Opening briefs and opening/response briefs
Request for Oral Argument (if any)	Opening, opening/response, and response briefs
Signature of Counsel	All briefs
Certificate of Compliance with typeface and length limitations	All briefs. Form-Certificate of Compliance
Certificate of Service	All briefs. Form-Certificate of Service , Form-Certificate of Service of Anders Brief

BRIEF FORMAT – See Federal & Local Rules 28.1 & 32 for complete information.

Cover Color: Standard Schedule	Blue for opening. Red for response. Gray for reply.
Cover Color: Cross-appeal Schedule	Blue for opening. Red for opening/response. Yellow for response/reply. Gray for reply.
Cover Color: Amicus or Intervenor	Green
Cover Color: Supplemental	Tan
Cover Color: Electronic	White or same color as paper cover.
Brief Cover Content	Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by “United States Court of Appeals for the Fourth Circuit,” followed by full case title, followed by “Appeal from the U.S. District Court for the District of ...,” followed by “Brief of Appellant John Doe,” followed by names, addresses, and phone numbers of counsel participating in preparation of brief.
Brief Binding	Binding must be secure down full left side and must not obscure text. Acceptable bindings include spiral, chesire, and perfect binding (no staples or clips).

Brief Paper	8 ½ x 11" light paper with clear black image, and 1" margin on all sides.
Brief Text	Text must be double-spaced (quotes > 2 lines, headings, & footnotes may be single-spaced but may not be in a smaller font size). Electronic version must be text-searchable.
Appendix References in Brief	References in support of factual statements must be to the appendix or administrative record. If electronic appendix excerpts are filed, rather than a full electronic appendix, parallel references must be provided to the paper appendix and to the district court docket entry and page number (JA 25; DE 3 at 20).
Hyperlinks in Brief	Hyperlinks may be included to other portions of the same document, other documents filed on appeal, documents in the district court record, statutes, rules, regulations, or opinions. Citations must be provided in addition to any hyperlink.
Brief Font	If a proportional font is used (e.g., Times New Roman), font size must be 14 point. If a monospaced font is used (e.g., Courier New), font size must be 12 point. If a proportional font is used, the typeface must have serifs (small horizontal or vertical strokes at the ends of the letters). Sans-serif type, such as Arial, may not be used except in captions and headings.
Length of opening brief, response brief & response/reply brief (excluding corporate disclosure statement, table of contents, table of authorities, request for argument, addendum, certificate of compliance, certificate of service)	<p>≤ 30 pages or</p> <p>≤ 14,000 words or</p> <p>≤ 1,300 lines (applies only to monospaced font)</p> <p>200 additional words are allowed if parallel references are required to paper appendix and district court docket entry and page number.</p>
Length of opening/response brief (excluding corporate disclosure statement, table of contents, table of authorities, request for argument, addendum, certificate of compliance, certificate of service)	<p>≤ 35 pages or</p> <p>≤ 16,500 words or</p> <p>≤ 1,500 lines (applies only to monospaced font)</p> <p>200 additional words are allowed if parallel references are required to paper appendix and district court docket</p>
Length of reply brief or amicus brief (excluding table of contents, table of authorities, certificate of compliance, certificate of service)	<p>≤ 15 pages or</p> <p>≤ 7,000 words or</p> <p>≤ 650 lines (applies only to monospaced font)</p> <p>An amicus brief in support of an opening /response brief may contain up to 8,250 words.</p>
Brief Copies	Single-sided copying is required. In addition to electronic version, file 8 paper copies (6 if party is represented by appointed counsel and 4 if party is proceeding in forma pauperis without appointed counsel.) Service of paper copies is not required for parties served electronically through ECF.
Sealed and Public Versions of Briefs	<p>If sealed information is included in the brief, counsel must file both sealed and public versions of the brief. Four paper copies and an electronic copy of the sealed version of the brief are filed, with sealed material highlighted, and accompanied by a certificate of confidentiality. Service of paper copies of the sealed version of briefs is required since parties cannot access the electronic version. Sealed material must be redacted from the public version of the brief and the usual number of paper and electronic copies filed.</p> <p>Form-Certificate of Confidentiality</p>
APPENDIX CONTENT – See Federal & Local Rules 30 & Local Rule 25(a)(1)(D) for complete information.	
Required Appendix Contents	<p>The parties should include in the joint appendix all portions of the record necessary to review of the matters presented. Failure to include all necessary portions will result in return of the appendix for correction. The following must be included in the appendix in chronological order on consecutively numbered pages:</p> <ul style="list-style-type: none"> • Cover • Table of contents

	<ul style="list-style-type: none"> • District court docket report • Complaint as finally amended (civil) or indictment (criminal) • Relevant portions of pleadings, transcript, charge, findings, opinions • Final opinion and order appealed • Notice of appeal
Appendix Table of Contents	A detailed table of contents is required. When transcript is included, each witness must be identified, along with the page on which that witness's testimony begins. Exhibits must be identified by number, description, and page on which they begin.
Criminal Presentence Reports and Statements of Reasons	The presentence report and statement of reasons must be included in a sealed volume of appendix in any appeal raising a sentencing guideline challenge.
Appeals under <u>Anders v. California</u> , 386 U.S. 738 (1967)	Appendices are not filed in <u>Anders</u> appeals; instead, the court obtains and reviews the record. Appendix costs are not reimbursable under the CJA in <u>Anders</u> cases unless the court has directed or authorized filing of an appendix.
Administrative Records	If the agency files the administrative record in electronic form, appellant may adopt the administrative record in lieu of filing an electronic appendix by filing four double-sided paper copies of the Administrative Record securely bound down the left side. In social security appeals, appellant must also file electronic and paper versions of an appendix containing any district court documents necessary for appellate review. If the administrative record is filed in paper form in a social security appeal, appellant must include any necessary documents from both the administrative record and the district court record in the electronic and paper versions of the appendix.
APPENDIX FORMAT – See Federal & Local Rules 31 & 32 & Local Rule 25(a)(1)(D) for complete information.	
Full Electronic Appendix (option 1)	Appendices must be filed in electronic and paper form. Under option 1, appellant files the full appendix in electronic form, separately filing any sealed documents as a sealed appendix.
Electronic Appendix Excerpt (option 2)	<p>Under option 2, appellant files an electronic appendix excerpt containing the following excerpts from the appendix:</p> <ul style="list-style-type: none"> • any sealed documents (filed as a sealed appendix); • any paper documents • any party filings in a social security case • any pertinent opinion, findings, magistrate report, or bankruptcy opinion • the opinion and order being appealed • the notice of appeal <p>The excerpts should appear in the same order and with the same page numbers as in the full paper appendix. When the electronic excerpt option is used, all references in the brief must be to both the full paper appendix and the docket entry and page number of the district court record (JA 81; DE 20 at 5). With the electronic excerpt option, 200 additional words are allowed for principal briefs due to the parallel citation requirement.</p>
Appendix Cover	<p>Appendix covers are white and contain the following information: Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by “United States Court of Appeals for the Fourth Circuit,” followed by full case title, followed by “Appeal from the U.S. District Court for the District of ...,” followed by “Appendix,” followed by names, addresses, and phone numbers of counsel on both sides of the case.</p> <p>Appendix Cover-District Court Appeal, Appendix Cover-Agency Appeal</p>
Appendix Binding	Appendices must be securely bound down full left side in a manner that does not obscure text. Acceptable bindings include spiral, chesire, and perfect binding (no staples or clips). Each bound volume should not exceed 1 ½” in thickness.
Transcript	The name of the testifying witness and type of examination must be clearly indicated at the top of any in-court or deposition testimony included in the appendix. The court will not accept appendices containing “condensed”

	transcript wherein several pages of transcript appear on a single sheet.
Length of Appendices	In court-appointed cases, if the appendix exceeds 250 sheets (500 pages) without leave of court, reimbursement of copying costs will be limited to 250 sheets.
Appendix Copies	Double-sided copying is required. File 6 paper copies (5 if party is represented by appointed counsel and 4 if party is proceeding in forma pauperis without appointed counsel.) Service of paper copies is not required for parties served electronically through ECF with the full electronic appendix (option 1). Service of paper copies is required if an electronic appendix excerpt (option 2) was used.
Sealed Appendix Volumes	Sealed record documents that are included in the appendix must be placed in a separate, sealed volume of the appendix. In consolidated criminal appeals, these materials must be separately sealed as to each defendant by marking the volume and envelope as SEALED – [DEFENDANT’S NAME] and serving the volume only on the government and counsel for the named defendant. Four paper copies and an electronic copy of sealed volumes of appendix are filed, together with a certificate of confidentiality. Service of paper copies of sealed appendix volumes is required since parties cannot access electronic version. Form-Certificate of Confidentiality
ECF FILING EVENTS	
Document	ECF event
Public Brief	BRIEF (formal, non-sealed briefs/electronic & paper form) Amicus Curiae/Intervenor Brief (with appearance of counsel form)
Sealed Version of Brief	SEALED BRIEF Certificate of confidentiality
Rule 30(c) Page-Proof Brief filed under Rule 30(c) schedule prior to final brief	Rule 30(c) page-proof opening brief (no paper copies required) Rule 30(c) page-proof opening/response brief (no paper copies required) Rule 30(c) page-proof response brief (no paper copies required) Rule 30(c) page-proof response/reply brief (no paper copies required)
Public Appendix	APPENDIX (electronic & paper form) Counsel must indicate in the APPENDIX event whether the district court's 90-day public hold period has expired for any transcript included in the appendix, so that the court can make the appendix available for public access the same date it becomes available on the district court docket.
Sealed Volume of Appendix	SEALED APPENDIX Certificate of confidentiality
Administrative Record filed electronically by government	Administrative record (electronic form)
Administrative Record filed in paper form by government	Notice of paper filing
Administrative Record adopted by appellant & paper copies filed	Administrative record adopted (4 paper copies filed)